

1991—Subsec. (a)(1). Pub. L. 102-190, § 2823(b)(1)(A), which directed the substitution of “member of the Armed Forces of the United States” for “servicemen” could not be executed because the word “servicemen” did not appear. See 1992 Amendment note above.

Subsec. (a)(2). Pub. L. 102-190, § 2823(b)(1)(B), inserted before semicolon “or, in the case of a member of the Armed Forces not assigned to that base or installation at the time of public announcement of such closing, will prevent any reassignment of such member to the base or installation”.

Subsec. (b). Pub. L. 102-190, § 2823(a), (b)(2), (3), substituted pars. (1) to (3) for former introductory provisions and pars. (1) to (3); designated first proviso of subsec. (b) as par. (4) and substituted “At” for “*Provided*, That, at”, redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, and substituted period for colon at end of subpar. (B); and designated second proviso of subsec. (b) as par. (5) and substituted “As” for “*Provided further*, That as” and redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively. Prior to amendment, former introductory provisions and pars. (1) to (3) read as follows: “In order to be eligible for the benefits of this section such employees or military personnel must be or have been—

“(1) assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action, or employed by a nonappropriated fund instrumentality operated in connection with such base or installation,

“(2) transferred from such installation or activity, or terminated as employees as a result of reduction-in-force, within six months prior to public announcement of the closure action, or

“(3) transferred from the installation or activity on an overseas tour unaccompanied by dependents within fifteen months prior to public announcement of the closure action.”

Subsec. (l). Pub. L. 102-190, § 2823(b)(4), substituted “subsection (b)(5)” for “the second proviso of subsection (b)”.

1990—Subsec. (a)(1). Pub. L. 101-510, § 331(1), inserted “, a nonappropriated fund instrumentality employee employed at a nonappropriated fund instrumentality operated in connection with such base or installation,” after “limitation”.

Subsec. (b)(1). Pub. L. 101-510, § 331(2), inserted at end “or employed by a nonappropriated fund instrumentality operated in connection with such base or installation.”

Subsec. (k). Pub. L. 101-510, § 331(3), substituted “(n), and (o)” for “and (n)”.

Subsec. (o). Pub. L. 101-510, § 331(4), added subsec. (o). 1988—Subsec. (k). Pub. L. 100-448, § 11(1), substituted “(c), and (n)” for “and (c)”.

Subsec. (n). Pub. L. 100-448, § 11(2), added subsec. (n). 1973—Subsec. (m). Pub. L. 93-166 added subsec. (m).

1972—Subsec. (d). Pub. L. 92-545 inserted “, except in connection with compensation for property located on a base or installation pursuant to subsection (j) of this section” to provision prohibiting acquisition of properties in foreign countries under this section.

Subsec. (l). Pub. L. 92-545 added subsec. (l).

1970—Subsec. (a)(3). Pub. L. 91-511 inserted “or if as the result of such action and other similar action in the same area,” after “part,”.

Subsec. (k). Pub. L. 91-511 added subsec. (k).

1969—Subsec. (c). Pub. L. 91-142, § 602(a), struck out “and prior to the one hundred and twentieth day after November 3, 1966,” after “installation” in third sentence.

Subsec. (d). Pub. L. 91-142, § 602(b), excluded acquisition of foreign properties under this section.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Section 612 of Pub. L. 91-511 provided that the amendment made by that section is effective Oct. 28, 1969.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2832; title 12 section 1715n.

## CHAPTER 42—NARCOTIC ADDICT REHABILITATION

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SUBCHAPTER I—GENERAL PROVISIONS

**§ 3401. Declaration of policy**

It is the policy of the Congress that certain persons charged with or convicted of violating Federal criminal laws, who are determined to be addicted to narcotic drugs, and likely to be rehabilitated through treatment, should, in lieu of prosecution or sentencing, be civilly committed for confinement and treatment designed to effect their restoration to health, and return to society as useful members.

It is the further policy of the Congress that certain persons addicted to narcotic drugs who are not charged with the commission of any offense should be afforded the opportunity, through civil commitment, for treatment, in order that they may be rehabilitated and returned to society as useful members and in order that society may be protected more effectively from crime and delinquency which result from narcotic addiction.

(Pub. L. 89-793, § 2, Nov. 8, 1966, 80 Stat. 1438.)

CODIFICATION

Section was not enacted as part of the Narcotic Addict Rehabilitation Act of 1966, which is classified to subchapters II and III of this chapter, chapter 314 (section 4251 et seq.) of Title 18, Crimes and Criminal Procedure, and chapter 175 (section 2901 et seq.) of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section 605 of Pub. L. 89-793 provided that: "Title I of this Act [enacting chapter 175 (§ 2901 et seq.) of Title 28, Judiciary and Judicial Procedure] shall take effect three months after the date of its enactment [Nov. 8, 1966], and shall apply to any case pending in a district court of the United States in which an appearance has not been made prior to such effective date. Titles II [enacting chapter 314 (§ 4251 et seq.) of Title 18, Crimes and Criminal Procedure] and V of this Act [amending section 7237(d) of Title 26, Internal Revenue Code and enacting provisions set out as note under section 4202 of Title 18] shall take effect three months after the date of its enactment [Nov. 8, 1966] and shall apply to any case pending in any court of the United States in which sentence has not yet been imposed as of such effective date. Title III of this Act [enacting section 3411 et seq. of this title] shall take effect three months after the date of its enactment [Nov. 8, 1966]."

SHORT TITLE OF 1971 AMENDMENT

Pub. L. 92-420, § 1, Sept. 16, 1972, 86 Stat. 677, provided: "That this Act [amending section 3411 of this title, section 4251 of Title 18, Crimes and Criminal Procedure, and section 2901 of Title 28, Judiciary and Judicial Pro-

cedure, and enacting provisions set out as a note under section 2901 of Title 28] may be cited as the 'Narcotic Addict Rehabilitation Amendments of 1971'."

SHORT TITLE

Section 1 of Pub. L. 89-793 provided: "That titles I, II, III, and IV of this Act [enacting subchapters II and III of this chapter, chapter 314 (§ 4251 et seq.) of Title 18, Crimes and Criminal Procedure, and chapter 175 (§ 2901 et seq.) of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Narcotic Addict Rehabilitation Act of 1966'."

SEPARABILITY

Section 604 of Pub. L. 89-793 provided that: "If any provision of this Act [enacting this chapter, chapter 314 (§ 4251 et seq.) of Title 18, Crimes and Criminal Procedure, and chapter 175 (§ 2901 et seq.) of Title 28, Judiciary and Judicial Procedure, amending section 257 of this title and section 7237 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under this section and section 4202 of Title 18] or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

AUTHORIZATION OF APPROPRIATIONS

Section 607 of Pub. L. 89-793 provided that: "There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act [enacting this chapter, chapter 314 (§ 4251 et seq.) of Title 18, Crimes and Criminal Procedure, and chapter 175 (§ 2901 et seq.) of Title 28, Judiciary and Judicial Procedure, amending section 257 of this title and section 7237 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under this section and section 4202 of Title 18]."

REORGANIZATION PLAN NO. 3 OF 1966

Section 606 of Pub. L. 89-793 provided that: "The provisions of this Act [enacting this chapter, chapter 314 (§ 4251 et seq.) of Title 18, Crimes and Criminal Procedure, and chapter 175 (§ 2901 et seq.) of Title 28, Judiciary and Judicial Procedure, amending section 257 of this title and section 7237 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under this section and section 4202 of Title 18] shall be subject to the provisions of Reorganization Plan No. 3 of 1966 [set out as a note under section 202 of this title]."

**§ 3402. State facilities and personnel for care and treatment; encouragement of adequate provision; benefit of experience of Surgeon General and Attorney General**

The Surgeon General and the Attorney General are authorized to give representatives of States and local subdivisions thereof the benefit of their experience in the care, treatment, and rehabilitation of narcotic addicts so that each State may be encouraged to provide adequate facilities and personnel for the care and treatment of narcotic addicts in its jurisdiction.

(Pub. L. 89-793, title VI, § 602, Nov. 8, 1966, 80 Stat. 1450.)

CODIFICATION

Section was not enacted as part of the Narcotic Addict Rehabilitation Act of 1966, which is classified to subchapters II and III of this chapter, chapter 314 (§ 4251 et seq.) of Title 18, Crimes and Criminal Procedure, and chapter 175 (§ 2901 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and em-

ployees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1956, 31 F.R. 8855, 80 Stat. 1610, set out as a note under section 202 of this title. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

## SUBCHAPTER II—CIVIL COMMITMENT OF PERSONS NOT CHARGED WITH ANY CRIMINAL OFFENSE

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 257 of this title.

### § 3411. Definitions

For the purposes of this subchapter the term—

(a) “Narcotic addict” means any individual who habitually uses any narcotic drug as defined in section 802(16)<sup>1</sup> of title 21, so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) “Treatment” includes confinement and treatment in a hospital of the Service and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction.

(c) “Surgeon General” means the Surgeon General of the Public Health Service.

(d) “Hospital of the Service” means any hospital or other facility of the Public Health Service especially equipped for the accommodation of addicts, and any other appropriate public or private hospital or other facility available to the Surgeon General for the care and treatment of addicts.

(e) “Patient” means any person with respect to whom a petition has been filed by a United States attorney as provided under subsection (b) of section 3412 of this title.

(f) “Posthospitalization program” shall mean any program providing for the treatment and supervision of a person established by the Surgeon General pursuant to section 3417 of this title.

(g) “State” includes the District of Columbia and the Commonwealth of Puerto Rico.

(h) “United States” includes the Commonwealth of Puerto Rico.

(i) “Related individual” means any person with whom the alleged narcotic addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, or the child or the nearest available relative of the alleged narcotic addict.

(Pub. L. 89-793, title III, § 301, Nov. 8, 1966, 80 Stat. 1444; Pub. L. 91-513, title III, § 1102(p), Oct.

27, 1970, 84 Stat. 1293; Pub. L. 92-420, § 4, Sept. 16, 1972, 86 Stat. 677.)

### REFERENCES IN TEXT

Section 802(16) of title 21, referred to in subsec. (a), was redesignated section 802(17) of title 21 by Pub. L. 98-473, title II, § 507(a), Oct. 12, 1984, 98 Stat. 2071.

### AMENDMENTS

1972—Subsec. (b). Pub. L. 92-420 substituted “by eliminating his dependence on addicting drugs, or by controlling his dependence,” for “by correcting his antisocial tendencies and ending his dependence on addicting drugs”.

1970—Subsec. (a). Pub. L. 91-513 substituted “as defined in section 802(16) of title 21” for “as defined by section 4731 of title 26”.

### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment of subsec. (b) by Pub. L. 92-420 applicable to cases pending in a district court of the United States in which an appearance has not been made prior to Sept. 16, 1972, see section 5 of Pub. L. 92-420, set out as a note under section 2901 of Title 28, Judiciary and Judicial Procedure.

### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 1105(a) of Pub. L. 91-513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

### EFFECTIVE DATE

Subchapter effective three months after Nov. 8, 1966, see section 605 of Pub. L. 89-793, set out as a note under section 3401 of this title.

### SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of amendment of this section by section 1102 of Pub. L. 91-513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91-513, set out as a note under section 171 of Title 21, Food and Drugs.

### TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out as a note under section 202 of this title. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

## § 3412. Preliminary proceedings

### (a) Petition for treatment

Except as otherwise provided in section 3421 of this title, whenever any narcotic addict desires to obtain treatment for his addiction, or whenever a related individual has reason to believe that any person is a narcotic addict, such addict or related individual may file a petition with the United States attorney for the district in which such addict or person resides or is found requesting that such addict or person be admitted to a hospital of the Service for treatment of his addiction. Any such petition filed by a narcotic addict shall set forth his name and address and the facts relating to his addiction. Any such

<sup>1</sup> See References in Text note below.

petition filed by a related individual with respect to a person believed by such individual to be a narcotic addict shall set forth the name and address of the alleged narcotic addict and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a narcotic addict.

**(b) Petition for confinement; consultations respecting availability of facilities**

After considering such petition, the United States attorney shall, if he determines that there is reasonable cause to believe that the person named in such petition is a narcotic addict, and that appropriate State or other facilities are not available to such person, file a petition with the United States district court to commit such person to a hospital of the Service for treatment as provided in this subchapter. In making his determination with respect to the nonavailability of such facilities, the United States attorney shall consult with the Surgeon General, and other appropriate State or local officials.

**(c) Order for medical examination and hearing; personal service**

Upon the filing of any such petition by a United States attorney, the court may order the patient to appear before it for an examination by physicians as provided under section 3413 of this title and for a hearing, if required, under section 3414 of this title. The court shall cause a copy of such petition and order to be served personally upon the patient by a United States marshal.

(Pub. L. 89-793, title III, §302, Nov. 8, 1966, 80 Stat. 1444.)

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3411, 3413, 3426 of this title.

**§ 3413. Judicial proceedings; advisement of patient; counsel, retained physician's authority, treatment program of commitment, withdrawal, duration, confinement, post-confinement, and recommitment; examination of patient; appointment of physicians, order of commitment, conduct and report of examination, and copies to patient and counsel; return of patient for further proceedings**

The court shall immediately advise any patient appearing before it pursuant to an order issued under subsection (c) of section 3412 of his right to have (1) counsel at every stage of the judicial proceedings under this subchapter and that, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him; and (2) present for consultation during any examination conducted under this section, a qualified physician retained by such patient, but in no event shall such physician be entitled to participate in any such examination or in the making of any report required under this section

with respect to such examination. The court shall also advise such patient that if, after an examination and hearing as provided in this subchapter, he is found to be a narcotic addict who is likely to be rehabilitated through treatment, he will be civilly committed to the Surgeon General for treatment; that he may not voluntarily withdraw from such treatment; that the treatment (including posthospitalization treatment and supervision) may last forty-two months; that during treatment he will be confined in an institution; that for a period of three years following his release from confinement he will be under the care and custody of the Surgeon General for treatment and supervision under a posthospitalization program established by the Surgeon General; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the Surgeon General to have relapsed to the use of narcotic drugs, he may be recommitted for additional confinement in an institution followed by additional posthospitalization treatment and supervision. After so advising the patient, the court shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the court may order the patient committed for such reasonable period as it shall determine, not to exceed thirty days, to the custody of the Surgeon General for confinement in a suitable hospital or other facility designated by the court. Each physician appointed by the court shall, within such period so determined by the court, examine the patient and file with the court, a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a narcotic addict and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the court for such further proceedings as it may direct under this subchapter. Copies of such reports shall be made available to the patient and his counsel.

(Pub. L. 89-793, title III, §303, Nov. 8, 1966, 80 Stat. 1445.)

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3412, 3414 of this title.

**§ 3414. Hearings**

**(a) Discharge of patient and dismissal of proceedings; notice of time and place; service; issues of fact; demand for jury or judicial determination**

If both examining physicians (referred to in section 3413 of this title) conclude in their respective written reports that the patient is not a narcotic addict, or is an addict not likely to be rehabilitated through treatment, the court shall immediately enter an order discharging the patient and dismissing the proceedings under this

subchapter. If the written report of either such physician indicates that the patient is a narcotic addict who is likely to be rehabilitated through treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the patient to submit to a thorough examination, the court shall promptly set the case for hearing. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

**(b) Evidence; patient's testimony; examinations and cross-examinations; judicial review of orders of commitment**

In conducting any hearing under this subchapter, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 3413 of this title. Any patient with respect to whom a hearing is held under this subchapter shall be entitled to testify and to present and cross-examine witnesses. All final orders of commitment under this subchapter shall be subject to review in conformity with the provisions of sections 1254 and 1291 of title 28.

**(c) Detention of patient**

Any patient with respect to whom a hearing has been set under this subchapter may be detained by the court for a reasonable period of time in a suitable hospital or other facility designated by the court until after such hearing has been concluded.

**(d) Witness fees and mileage**

Witnesses subpoenaed by either party under the provisions of this subchapter shall be paid the same fees and mileage as are paid to other witnesses in the courts of the United States.

(Pub. L. 89-793, title III, §304, Nov. 8, 1966, 80 Stat. 1446.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3412 of this title.

**§ 3415. Order of commitment for treatment to care and custody of Surgeon General; reports of Surgeon General**

If the court determines after a hearing that such patient is a narcotic addict who is likely to be rehabilitated through treatment, the court shall order him committed to the care and custody of the Surgeon General for treatment in a hospital of the Service. The Surgeon General shall submit to the court written reports with respect to such patient at such times as the court may direct. Such reports shall include information as to the health and general condition of the patient, together with the recommendations of the Surgeon General concerning the continued confinement of such patient.

(Pub. L. 89-793, title III, §305, Nov. 8, 1966, 80 Stat. 1446.)

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3416 of this title.

**§ 3416. Period of commitment to care and custody of Surgeon General; patient subject to posthospitalization program; release from confinement**

Any patient committed to the care and custody of the Surgeon General pursuant to section 3415 of this title shall be committed for a period of six months, and shall be subject to such posthospitalization program as may be established pursuant to section 3417 of this title; except that such patient may be released from confinement by the Surgeon General at any time prior to the expiration of such six-month period if the Surgeon General determines that the patient has been cured of his drug addiction and rehabilitated, or that his continued confinement is no longer necessary or desirable.

(Pub. L. 89-793, title III, §306, Nov. 8, 1966, 80 Stat. 1446.)

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

**§ 3417. Release from confinement**

**(a) Notice and return to committing court; placing patient under care and custody of Surgeon General for posthospitalization treatment; recommendations of Surgeon General**

Whenever any patient under the care and custody of the Surgeon General pursuant to this subchapter is to be released from confinement in accordance with the provisions thereof, the Surgeon General shall give notice of such pending release to the committing court within ten days prior thereto and shall, at the time of the patient's release, promptly return him to that court. The court, after considering the recommendations of the Surgeon General with respect to posthospitalization treatment for any such patient so returned, may place such patient under the care and custody of the Surgeon General for the three-year period immediately following the patient's release, for treatment and supervision under such posthospitalization program as the Surgeon General may direct.

**(b) Return to committing court for recommitment and submission to posthospitalization treatment**

If, at any time during such three-year period, any patient (1) fails or refuses to comply with the directions and orders of the Surgeon General in connection with such patient's posthospitalization treatment and supervision, or (2) is determined by the Surgeon General to be again using narcotic drugs, the Surgeon General may order such patient's immediate return to the committing court which may recommit such

patient to a hospital of the Service for additional treatment for a period of not to exceed six months, and may require such patient thereafter to submit to a posthospitalization program in accordance with subsection (a) of this section.

(Pub. L. 89-793, title III, §307, Nov. 8, 1966, 80 Stat. 1446.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3411, 3416, 3418 of this title.

### **§ 3418. Petition for inquiry into health and general condition and necessity for continuation of confinement; order for release from confinement and return to court; placing patient under posthospitalization treatment**

The court, upon the petition of any patient after his confinement pursuant to this subchapter for a period in excess of three months, shall inquire into the health and general condition of the patient and as to the necessity, if any, for his continued confinement. If the court finds, with or without a hearing, that his continued confinement is no longer necessary or desirable, it shall order the patient released from confinement and returned to the court. The court may, with respect to any such patient so returned, place such patient under a posthospitalization program in accordance with the provisions of subsection (a) of section 3417 of this title.

(Pub. L. 89-793, title III, §308, Nov. 8, 1966, 80 Stat. 1447.)

### **§ 3419. Criminal conviction or criminal appellation from determination of being narcotic addict; criminal proceedings prohibited from using information gained in addiction inquiry**

Any determination by the court pursuant to this subchapter that a patient is a narcotic addict shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test, or procedure to determine narcotic addiction of any patient under this subchapter shall not be used against such patient in any criminal proceeding.

(Pub. L. 89-793, title III, §309, Nov. 8, 1966, 80 Stat. 1447.)

### **§ 3420. Evidence; examining physician a competent and compellable witness; physician-patient privilege**

Any physician conducting an examination under this subchapter shall be a competent and compellable witness at any hearing or other proceeding conducted pursuant to this subchapter and the physician-patient privilege shall not be applicable.

(Pub. L. 89-793, title III, §310, Nov. 8, 1966, 80 Stat. 1447.)

### **§ 3421. Subchapter inapplicable to persons with criminal charge pending, on probation, or with sentence unserved; consent to commitment of such persons by authority with power over their custody**

The provisions of this subchapter shall not be applicable with respect to any person against whom there is pending a criminal charge, whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release, has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

(Pub. L. 89-793, title III, §311, Nov. 8, 1966, 80 Stat. 1447.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3412 of this title.

### **§ 3422. Commitment to hospital of the Service dependent upon certification of availability of facilities or personnel for treatment**

Notwithstanding any other provision of this subchapter, no patient shall be committed to a hospital of the Service under this subchapter if the Surgeon General certifies that adequate facilities or personnel for treatment of such patient are unavailable.

(Pub. L. 89-793, title III, §312, Nov. 8, 1966, 80 Stat. 1447.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

### **§ 3423. Compensation of physicians and counsel; source of funds**

Physicians appointed by the court to examine any person pursuant to this subchapter and counsel assigned by the court to represent any person in judicial proceedings under this subchapter shall be entitled to reasonable compensation, in an amount to be determined by the court, to be paid, upon order of the court, out of such funds as may be provided by law.

(Pub. L. 89-793, title III, §313, Nov. 8, 1966, 80 Stat. 1447.)

### **§ 3424. Authority of Surgeon General**

#### **(a) Delegation of functions**

The Surgeon General may from time to time make such provisions as he deems appropriate authorizing the performance of any of his functions under this subchapter by any other officer or employee of the Public Health Service, or with the consent of the head of the Department or Agency concerned, by any Federal or other public or private agency or officer or employee thereof.

**(b) Arrangements making available, on a reimbursable basis or otherwise, facilities or services of agencies or persons for examination or treatment**

The Surgeon General is authorized to enter into arrangements with any public or private agency or any person under which appropriate facilities or services of such agency or person will be made available, on a reimbursable basis or otherwise, for the examination or treatment of individuals pursuant to the provisions of this subchapter.

(Pub. L. 89-793, title III, §314, Nov. 8, 1966, 80 Stat. 1448.)

**TRANSFER OF FUNCTIONS**

For transfer of functions of Public Health Service, including Surgeon General of Public Health Service, see note set out under section 3411 of this title.

**§ 3425. Penalties; escape or rescue from custody**

Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment under this subchapter, or who rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person, shall be subject to the penalties provided in sections 751 and 752 of title 18.

(Pub. L. 89-793, title III, §315, Nov. 8, 1966, 80 Stat. 1448.)

**§ 3426. Penalties; false statements**

Any person who knowingly makes any false statement to the United States attorney in any petition under section 3412(a) of this title shall be subject to the penalty prescribed in section 1001 of title 18.

(Pub. L. 89-793, title III, §316, Nov. 8, 1966, 80 Stat. 1448.)

**SUBCHAPTER III—REHABILITATION AND POSTHOSPITALIZATION CARE PROGRAMS AND ASSISTANCE TO STATES AND LOCALITIES**

**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in section 257 of this title.

**§ 3441. Outpatient services; establishment**

The Surgeon General is authorized to establish, as an integral part of the program of treatment for narcotic addiction authorized by section 257 of this title, outpatient services to (1) provide guidance and give psychological help and supervision to patients and other individuals released from hospitals of the Service after treatment for narcotic drug addiction, utilizing all available resources of local, public and private agencies, and (2) assist States and municipalities in developing treatment programs and facilities for individuals so addicted, including posthospitalization treatment programs and facilities for the care and supervision of narcotic addicts released after confinement under this or any other Act providing for treatment of drug addiction. The Surgeon General shall take into consideration in supplying such services the extent of drug addiction in the various States and

political subdivisions thereof and the willingness of such States and subdivisions to cooperate in developing a sound program for the care, treatment, and rehabilitation of narcotic addicts.

(Pub. L. 89-793, title IV, §401, Nov. 8, 1966, 80 Stat. 1448.)

**REFERENCES IN TEXT**

This Act, referred to in cl. (2), means Pub. L. 89-793, Nov. 8, 1966, 80 Stat. 1438, as amended, which enacted this chapter, sections 4251 to 4255 of Title 18, Crimes and Criminal Procedure, sections 2901 to 2906 of Title 28, Judiciary and Judicial Procedure, amended section 257 of this title and section 7237 of Title 26, Internal Revenue Code, and enacted provisions set out as notes under section 3401 of this title and section 4202 of Title 18. For complete classification of this Act to the Code, see Tables.

**TRANSFER OF FUNCTIONS**

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out as a note under section 202 of this title. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

**§ 3442. Repealed. Pub. L. 90-574, title III, § 303(b), Oct. 15, 1968, 82 Stat. 1011**

Section, Pub. L. 89-793, title IV, §402, Nov. 8, 1966, 80 Stat. 1448, authorized appropriations for grants to States and political subdivisions thereof and to private organizations and institutions for development of narcotic addict rehabilitation and treatment programs.

**SAVINGS PROVISION**

Section 303(b) of Pub. L. 90-574 provided in part that: "There are authorized to be appropriated such sums as may be necessary to enable the Secretary to make grants to continue the projects for which commitments were made under section 402(a) of the Narcotic Addict Rehabilitation Act of 1966 [subsec. (a) of this section], but such grants may be made only for the periods specified in such commitments for such projects."

**CHAPTER 43—DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.	
3501.	Establishment of Department; effective date.
3501a.	Additional Assistant Secretaries.
3502.	Assistant Secretary for Administration; appointment and duties.
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